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[Signature]
PATENT

ATTORNEY DOCKET NO.: 00P9128US

CERTIFICATE OF MAILING

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11/30/00
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Date
By: Raquel C. West

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **KOCKMAN, ET AL.**

Serial No.: 09/751,949

Filing Date: December 28, 2000

Title: **SYSTEM AND METHOD FOR ADAPTIVE CARRIER OCCUPANCY IN A FREQUENCY HOPPING SPREAD SPECTRUM SYSTEM**

Examiner: Tse

Art Unit: 2637

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231**INFORMATION DISCLOSURE STATEMENT**

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.97 (b),
(Within three months of: filing a national application other than a continued prosecution application under 37 CFR 1.53(d); or date of national stage entry of international application; or before mailing date of first office action on the merits; or before mailing date of a first office action after filing of a request for continued examination under 37 CFR 1.114)
- ☒ under 37 CFR 1.97 (c) together with either a:
☒ Certification under 37 CFR 1.97 (e), or
☒ A \$180.00 fee under 37 CFR 1.17 (p) authorized to be charged to to Deposit Account **19-2179**. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **19-2179** pursuant to 37 CFR 1.25.
(After the CFR 1.97 (b) time period, but before final action or notice of allowance or close of prosecution)
- ☐ under 37 CFR 1.97 (d) together with a:
☐ Certification under 37 CFR 1.97 (e), and
☐ A \$_____ fee under 37 CFR 1.17(p)
(Filed after final action or notice of allowance or close of prosecution, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97 (i)
☐ Filed after payment of issue fee, but before grant of patent - No fee or certification required

Applicant(s) submit herewith Form PTO 1449 - Information Disclosure Citation together with copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56 (c) most knowledgeable about the content that is given on the attached sheet or by the enclosed English-language search report.

☒ The enclosed patents/publications were listed in an Office Action by the Chinese Patent Office in the counterpart application filed in China. Applicants are submitting the Chinese Office Action, which indicates the degree of relevance of the listed patents/publications. Per MPEP 609, the requirement for a concise explanation of relevance is satisfied by the submission of the English language version of the Office Action that indicates the degree of relevance found by the foreign office.

[] The undersigned hereby certifies under 37 CFR 1.97(e)(1) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

[] The undersigned certifies under 37 CFR 1.97(e)(2) that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

[] Applicant does not believe any fee is due. However, at any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 19-2179 pursuant to 37 CFR 1.25. A duplicate copy of this sheet is enclosed.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner or as an admission that the information cited is or is considered to be material to patentability.

It is requested that the information disclosed herein be made of record in this application.

Respectfully Submitted,

Tom George

Tom George, Reg. No. 45,740

Attorney for Applicant(s)

Date: *Nov 23, 2004*

Telephone No.: (650) 694-5191

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | Complete if Known | |
| | | | Application Number | 09/751,949 |
| | | | Filing Date | 12/28/00 |
| | | | First Named Inventor | Kockman, et al. |
| | | | Group Art Unit | 2637 |
| Examiner Name | Tse | | | |
| Attorney Docket Number | 00P9128US | | | |
| Sheet | 1 | of | 1 | |

| U.S. PATENT DOCUMENTS | | | | | | |
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| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM- DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.